

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-360-S – ORDER NO. 2009-751

OCTOBER 20, 2009

IN RE:	Happy Rabbit, LP on Behalf of Windridge)	ORDER DENYING
	Townhomes, Complainant, v. Alpine)	REQUEST FOR
	Utilities, Incorporated, Respondent)	SUPERSEDEAS ORDER

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the request of Complainant, Happy Rabbit, LP on Behalf of Windridge Townhomes (“Happy Rabbit”), for a supersedeas order during the pendency of the appeal of its case against Alpine Utilities, Incorporated (“Alpine”).

Happy Rabbit’s request is denied on the ground that it has failed to demonstrate that it is entitled to supersedeas of the Commission’s orders. The applicable standard under South Carolina Appellate Court Rule 241(c)(2) is “whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.” Happy Rabbit’s stated reason for its request is that it “remains concerned about the future business viability of Alpine ...” such that “Alpine may be financially unable to refund the funds escrowed by Happy Rabbit.” Happy Rabbit Request dated Sept. 22, 2009, p. 2. However, Happy Rabbit cites merely to possible future events that could impact Alpine’s financial health.

The Complainant's arguments are not persuasive. For instance – and of most relevance to matters within this Commission's jurisdiction – Happy Rabbit argues that the rate relief granted to Alpine pursuant to its 2008 rate case petition (Docket No. 2008-190-S) may be insufficient to preserve Alpine's financial integrity. Although Happy Rabbit now argues that this Commission may have granted Alpine insufficient rate relief, Happy Rabbit was a signatory to a settlement agreement in that docket in which it represented to this Commission that the rates contained in the parties' agreed-upon rate schedule "are reasonably designed to allow [Alpine] to provide service to its sewer customers at rates and terms and conditions of service that are fair, just and reasonable and provides the opportunity to recover a fair and reasonable level of revenue." Sept. 18, 2008 Settlement Agt., Docket No. 2008-190-S, p.3. Happy Rabbit further represented that those rates will have the effect of "preserving the financial integrity of the Company." Id. Happy Rabbit's representation of the appropriateness of the rate relief granted to Alpine in the fall of 2008 certainly undercuts its arguments that "Alpine may be financially unable to refund the funds escrowed by Happy Rabbit."

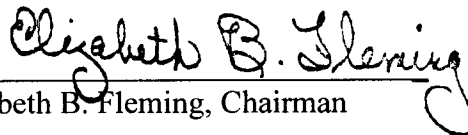
In any event, the contingent, possible future events listed by Happy Rabbit do not convince this Commission that a supersedeas order is necessary to preserve jurisdiction of this appeal or to prevent a contested issue from becoming moot; therefore, Happy Rabbit's request is denied.

OCTOBER 20, 2009

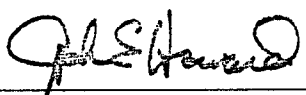
PAGE 3

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)